

208652

DID# 0102224001

LAW OFFICES
FRITZ R. KAHN, P.C.
EIGHTH FLOOR
1920 N STREET, N.W.
WASHINGTON, D.C. 20036-1601

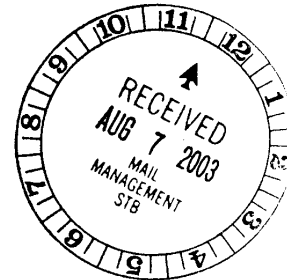
ORIGINAL

Office of Proceedings

AUG 7 2003

Part of
Public Record

(202) 263-4152
FAX (202) 331-8330
e-mail: xiccgc@worldnet.att.net



August 7, 2003

VIA HAND DELIVERY

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW (7th fl.)
Washington, DC 20423-0001

FILE RECEIVED

AUG 7 2003

SURFACE
TRANSPORTATION BOARD

Office of Proceedings

AUG 07 2003

Part of
Public Record

Dear Secretary Williams:

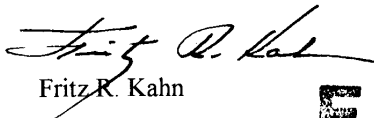
Enclosed for filing in STB Finance Docket No. 34392, New Jersey Rail Carrier LLC-Acquisition and Operation Exemption-former Columbia Terminals, Kearny, NJ, are the original and ten copies of the Verified Notice of Exemption of New Jersey Rail Carrier LLC.

A certified check for \$1,300.00 in payment of the filing fee is attached.

Additional copies of this letter and of the Notice are enclosed for you to stamp to acknowledge your receipt of them and to return to me via the messenger

If you have any question concerning the foregoing which you believe I may be able to answer or if I otherwise can be of assistance, please let me know.

Sincerely yours,


Fritz R. Kahn

FILED

enc.

cc: Mr. Anthony Rizzo

AUG 7 2003

FILED

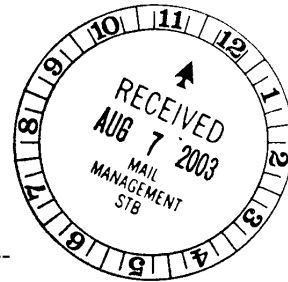
208652

ORIGINAL

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.

STB Finance Docket No. 34392

NEW JERSEY RAIL CARRIER LLC
-- ACQUISITION AND OPERATION EXEMPTION --
FORMER COLUMBIA TERMINALS, KEARNY, NJ



Office of

AUG 7 2003

Public

VERIFIED NOTICE OF EXEMPTION
OF
NEW JERSEY RAIL CARRIER LLC

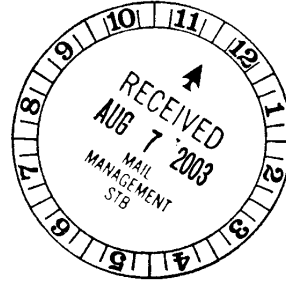
Fritz R. Kahn
Fritz R. Kahn, P.C.
1920 N Street, NW (8th fl.)
Washington, DC 20036-1601
Tel.: (202) 263-4152

Attorney for

NEW JERSEY RAIL CARRIER LLC

Dated: August 7, 2003

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.



STB Finance Docket No. 34392

NEW JERSEY RAIL CARRIER LLC
-- ACQUISITION AND OPERATION EXEMPTION --
FORMER COLUMBIA TERMINALS, KEARNY, NJ

VERIFIED NOTICE OF EXEMPTION
OF
NEW JERSEY RAIL CARRIER LLC

Applicant, New Jersey Rail Carrier of South Kearny, New Jersey ("NJRC"), a non-carrier,
hereby files this Verified Notice of Exemption, pursuant to 49 U.S.C. 10502 and 49 C.F.R.

1150.31, *et seq.*, and states, as follows:

1. Applicant's name, address and telephone number:

New Jersey Rail Carrier LLC.
65 Central Avenue
South Kearny, NJ 07032
Tel.: (973) 344-2200

2. Applicant's representative:

Fritz R. Kahn
Fritz R. Kahn, P.C.
1920 N Street, NW (8th fl.)
Washington, DC 20036-1601
Tel.: (202) 263-4152

3. Agreement:

Amcol Realty Co., Inc., of Livingston NJ, has agreed to lease to NJRC the approximately 2,250 feet of railroad lines, formerly known as Columbia Terminals, in Kearny 07032, Hudson County, New Jersey. NJRC is neither a railroad nor a person in control of a railroad.

4. Operator:

The railroad lines will be operated by NJRC.

5. Summary of proposed transaction.

a. Lessor's name, address and telephone number:

Amcol Realty Co., Inc..
P. O. Box 388
Livingston, NJ 07039
Tel.: (201) 310-5610

b. Consummation date:

On or after seven days after the date of filing

c. Milepost designations

Beginning at a switch from the line of Consolidated Rail Corporation located along Meadows Track 1 ZTS Zone 17 in the Town of Kearny 07032, County of Hudson and State of New Jersey, near Line Code 0204, Milepost 4.2, and extending over various lengths of four tracks to their stub ends, for a total distance of approximately 2,250 feet.

6. Map

A map of the line is attached.

7. Environmental certification:

Since this is an acquisition of a railroad line under a class exemption from the

required. Similarly, since the proposed transaction will not result in the disposition or alteration of properties 50 years old or older, within the meaning of 49 C.F.R. 1105.8(b)(1), no historic report is required.

8. Revenue certification:

The projected revenues of NJRC are not expected to exceed those of a Class III railroad. Neither will the projected revenues exceed \$5 million annually, requiring notification of employees, pursuant to 49 C.F.R. 1150.32(e).

Respectfully submitted,

NEW JERSEY RAIL CARRIER LLC

By its attorney,



Fritz R. Kahn
Fritz R. Kahn, P.C.
1920 N Street, NW (8th fl.)
Washington, DC 20036-1601
Tel.: (202) 263-4152

Dated: August , 2003

VERIFICATION

I, Anthony Rizzo, Managing Member of New Jersey Rail Carrier, LLC, declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing Verified Notice of Exemption and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of New Jersey Carrier, LLC. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

Dated at Kearny, New Jersey, this 6 day of August 2003


Anthony Rizzo

CAPTION SUMMARY

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.**

STB Finance Docket No. 34392

**NEW JERSEY RAIL CARRIER LLC
-- ACQUISITION AND OPERATION EXEMPTION --
FORMER COLUMBIA TERMINALS, KEARNY, NJ**

New Jersey Rail Carrier LLC of Kearny, New Jersey, a non-carrier, has filed a Verified Notice of Exemption to lease from Amcol Realty Co., Inc., of Livingston, NJ, and to operate the approximately 2,250 feet of railroad lines of the former Columbia Terminals, beginning at a switch from the line of Consolidated Rail Corporation located along Meadows Track 1 ZTS Zone 17, near Line Code 0204, Milepost 4.2, and extending over various lengths of four tracks to their stub ends, in Kearny 07032, Hudson County, New Jersey. Comments must be filed with the Board and served on Fritz R. Kahn, Esq., 1920 N Street, NW (8th fl), Washington, DC 20036. The Verified Notice of Exemption is filed pursuant to 49 C.F.R. 1150.31, *et seq.* If the Notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption, pursuant to 49 U.S.C. 10502(d), may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.